

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO: 2:04cr97-MHT

WILLIE FATE JONES,

Defendant.

\* \* \* \* \*

CHANGE OF PLEA HEARING

\* \* \* \* \*

BEFORE THE HONORABLE CHARLES S. COODY, UNITED STATES  
MAGISTRATE JUDGE, at Montgomery, Alabama, on Friday, July 16,  
2004, commencing at 11:06 a.m.

APPEARANCES:

FOR THE GOVERNMENT: Mr. Terry F. Moorer  
Assistant United States Attorney  
OFFICE OF THE UNITED STATES ATTORNEY  
One Court Square, Suite 201  
Montgomery, Alabama 36104

FOR THE DEFENDANT: Mr. Barry E. Teague, Attorney at Law  
138 Adams Avenue  
Montgomery, Alabama 36104

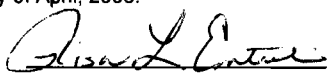
Proceedings reported stenographically;  
transcript produced by computer.

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1 (The following proceedings were heard before the Honorable	1 doing. I talked to him for about an hour yesterday and again
2 Charles S. Coody, United States Magistrate Judge, at	2 this morning.
3 Montgomery, Alabama, on Friday, July 16, 2004, commencing	3 Mr. Jones, you're feeling okay today, aren't you?
4 at 11:06 a.m.:)	4 THE DEFENDANT: Yes, sir.
5 (Call to Order of the Court)	5 MR. TEAGUE: And you understand fully what we're here
6 THE COURT: Mr. Jones, Mr. Teague, if you will come	6 to do.
7 forward to the microphone, please, in front of my courtroom	7 THE DEFENDANT: Yes, sir.
8 deputy.	8 MR. TEAGUE: Why don't you explain to the Judge what
9 MR. TEAGUE: Yes, Your Honor.	9 we're here to do.
10 THE COURT: Mr. Jones, previously, you have entered a	10 THE DEFENDANT: For me to turn my not guilty to guilty.
11 plea of not guilty to the charges against you. I understand you	11 THE COURT: All right.
12 now desire to change your plea; is that correct?	12 MR. TEAGUE: And you understand that you don't have to
13 THE DEFENDANT: Yes, Your Honor.	13 do that. That's --
14 THE COURT: For that purpose, you must be placed under	14 THE DEFENDANT: Yes, sir.
15 oath. Please raise your right hand and be sworn.	15 MR. TEAGUE: Okay. But you have --
16 (The defendant is sworn)	16 THE DEFENDANT: I want to.
17 THE COURT: Mr. Jones, you now are under oath. And let	17 MR. TEAGUE: -- decided it's in your interest, based on
18 me remind you that should you answer falsely any of the	18 everything you and I have discussed.
19 questions put to you during this proceeding, those answers can	19 THE DEFENDANT: Yes, sir.
20 later be used against you in a proceeding against you -- a	20 MR. TEAGUE: Okay. Excuse me, Your Honor.
21 criminal proceeding against you for perjury or for making a	21 THE COURT: That's all right. Thank you, Mr. Teague.
22 false statement. Do you understand that?	22 Mr. Jones, you have the right to have your plea heard
23 THE DEFENDANT: Yes, Your Honor.	23 by the next higher ranking judge, who is a district judge, but
24 THE COURT: All right. What is your full name?	24 you may consent to my taking your plea this morning. Have you
25 THE DEFENDANT: Willie Fate Jones.	25 and Mr. Teague talked about that?
3	5
1 THE COURT: And how old are you, Mr. Jones?	1 THE DEFENDANT: Yes, sir.
2 THE DEFENDANT: I'm 41 years old.	2 THE COURT: All right. And do you wish me to take your
3 THE COURT: How far have you gone in school?	3 plea this morning?
4 THE DEFENDANT: The eighth grade.	4 THE DEFENDANT: Yes, sir.
5 THE COURT: All right. Mr. Jones, have you recently	5 THE COURT: All right. For that purpose, then, I need
6 been treated for any mental illness or addiction to narcotic	6 you to sign this form indicating your consent to my taking your
7 drugs of any kind?	7 plea. Both you and Mr. Teague need to sign the form that my
8 THE DEFENDANT: I was going to drug rehab out there at	8 deputy has handed you.
9 CAPS.	9 (Mr. Teague and the defendant comply)
10 THE COURT: All right. When was that?	10 THE COURT: Do we have the original of the plea
11 THE DEFENDANT: I was -- I was in it when I was locked	11 agreement?
12 up. That was this year.	12 THE CLERK: It's on your -- it's right there.
13 THE COURT: All right. And did you successfully	13 THE COURT: Thank you.
14 complete that program?	14 Mr. Jones, have you received a copy of the indictment
15 THE DEFENDANT: No, sir. I was still going.	15 returned against you? That's the written charges.
16 THE COURT: All right. Are you currently under the	16 THE DEFENDANT: (Nods head)
17 influence of any drugs, medicine, pills, or alcoholic beverage?	17 THE COURT: All right. And have you -- you have
18 THE DEFENDANT: Well, I'm taking my ulcer medicine for	18 received it?
19 my stomach and stuff every day at the -- at the city. And I'm	19 THE DEFENDANT: Yes, sir.
20 not doing no drugs now since I've been locked up.	20 THE COURT: All right. And have you had an opportunity
21 THE COURT: All right. So only the ulcer medicine?	21 to read it and to discuss those charges with Mr. Teague?
22 THE DEFENDANT: Yes, sir.	22 THE DEFENDANT: Yes, sir.
23 THE COURT: All right. Mr. Teague, do you have any	23 THE COURT: And do you understand the charges against
24 doubt about Mr. Jones' competence to enter a plea?	24 you?
25 MR. TEAGUE: No, Your Honor. He knows what he's	25 THE DEFENDANT: Yes, sir.

<p>6</p> <p>1 THE COURT: All right. Are you fully satisfied with</p> <p>2 Mr. Teague's representation of you in this case?</p> <p>3 THE DEFENDANT: Yes, sir.</p> <p>4 THE COURT: All right. Mr. Jones, you and the</p> <p>5 government have reached a plea agreement. I have the original</p> <p>6 of that document. I'm turning to page 12, showing that page to</p> <p>7 you. That appears to be your signature. Is that your</p> <p>8 signature?</p> <p>9 THE DEFENDANT: Yes, Your Honor.</p> <p>10 THE COURT: Mr. Jones, before signing the plea</p> <p>11 agreement, did you have an opportunity to read it and to discuss</p> <p>12 the terms of it with Mr. Teague?</p> <p>13 THE DEFENDANT: Yes, sir.</p> <p>14 THE COURT: And is this the entire plea agreement that</p> <p>15 you have with the government, the only agreement that you've got</p> <p>16 with the government?</p> <p>17 THE DEFENDANT: Yes, Your Honor.</p> <p>18 THE COURT: All right. And do you understand the terms</p> <p>19 of the plea agreement?</p> <p>20 THE DEFENDANT: Yes, sir.</p> <p>21 THE COURT: Okay. Other than this plea agreement, has</p> <p>22 anyone made any promise to you to get you to plead guilty?</p> <p>23 THE DEFENDANT: No, sir.</p> <p>24 THE COURT: Okay. That's fine. I can hear you.</p> <p>25 Mr. Jones, under the terms of this plea agreement, you</p>	<p>8</p> <p>1 Do you understand that?</p> <p>2 THE DEFENDANT: Yes, sir.</p> <p>3 THE COURT: The maximum punishment with respect to</p> <p>4 count one of the indictment, which is the drug conspiracy count,</p> <p>5 is a term of imprisonment of not less than ten years nor more</p> <p>6 than life, a fine of not more than \$4 million, or both the fine</p> <p>7 and the imprisonment. Upon release from any imprisonment, you</p> <p>8 would be subject to a period of supervised release of not less</p> <p>9 than five years. And you would be required to pay to the Court</p> <p>10 an assessment fee of \$100. Do you understand the maximum</p> <p>11 punishment?</p> <p>12 THE DEFENDANT: Yes, sir.</p> <p>13 THE COURT: With regard to the gun count, which is</p> <p>14 count three, being an ex-felon in possession of a gun, or a</p> <p>15 weapon, the maximum punishment for that crime is a term of</p> <p>16 imprisonment of not more than ten years, a fine of not more than</p> <p>17 \$250,000, or both the fine and the imprisonment. Upon release</p> <p>18 from any imprisonment, you would be subject to a period of</p> <p>19 supervised release of not more than three years. And on that</p> <p>20 count, you would be required to pay to the Court an assessment</p> <p>21 fee in the amount of \$100. Do you understand the maximum</p> <p>22 punishment for that count?</p> <p>23 THE DEFENDANT: Yes, sir.</p> <p>24 THE COURT: Mr. Jones, upon release from any</p> <p>25 imprisonment and placement on supervised release, if you violate</p>
<p>7</p> <p>1 are pleading guilty to two counts of the indictment and you and</p> <p>2 the government are agreeing that a sentence of 135 months will</p> <p>3 be imposed on you. Mr. Jones, the plea agreement is merely a</p> <p>4 recommendation to the Court. The Court is not bound to sentence</p> <p>5 you in accordance with the plea agreement. The Court will</p> <p>6 review this plea agreement and at a later time decide whether to</p> <p>7 sentence you in accordance with it. If the Court decides to not</p> <p>8 follow the plea agreement, you will be notified of that. And</p> <p>9 then you will have the right to withdraw your guilty plea. Do</p> <p>10 you understand that?</p> <p>11 THE DEFENDANT: Yes, sir.</p> <p>12 THE COURT: At that time, Mr. Jones, if you decide to</p> <p>13 not withdraw your guilty plea, the Court can then impose on you</p> <p>14 any lawful sentence, even if it is more severe than the sentence</p> <p>15 recommended in the plea agreement. Do you understand that?</p> <p>16 THE DEFENDANT: Yes, sir.</p> <p>17 THE COURT: Mr. Jones, has anyone attempted in any way</p> <p>18 to force you to plead guilty in this case?</p> <p>19 THE DEFENDANT: No, sir.</p> <p>20 THE COURT: Mr. Jones, the offenses to which you are</p> <p>21 pleading guilty are felony offenses. And if your plea is</p> <p>22 accepted and you are adjudged guilty of those offenses, that</p> <p>23 adjudication may deprive you of valuable civil rights, such as</p> <p>24 the right to vote, the right to hold public office, the right to</p> <p>25 serve on a jury, and the right to possess any kind of firearm.</p>	<p>9</p> <p>1 the conditions of supervised release, you can be given</p> <p>2 additional time in prison. Do you understand that?</p> <p>3 THE DEFENDANT: Yes, sir.</p> <p>4 THE COURT: Mr. Jones, I've explained to you the</p> <p>5 consequences of your plea. Do you understand the consequences</p> <p>6 of entering a guilty plea?</p> <p>7 THE DEFENDANT: Yes, sir.</p> <p>8 THE COURT: Now, have you and Mr. Teague talked about</p> <p>9 the sentencing guidelines and how they may apply in your case?</p> <p>10 THE DEFENDANT: Yes, sir.</p> <p>11 THE COURT: All right. Mr. Jones, parole has been</p> <p>12 abolished. And if sentenced to a term of imprisonment, which</p> <p>13 you will be under the terms of this plea agreement, you will not</p> <p>14 be released on parole. Do you understand that?</p> <p>15 THE DEFENDANT: Yes, sir.</p> <p>16 THE COURT: Mr. Jones, under the terms of this plea</p> <p>17 agreement, you are giving up your right to appeal any sentence</p> <p>18 imposed on you except in the instance of prosecutorial</p> <p>19 misconduct or ineffective assistance of counsel. Do you</p> <p>20 understand that?</p> <p>21 THE DEFENDANT: Yes, sir.</p> <p>22 THE COURT: That means you will not be able to appeal</p> <p>23 any sentence imposed on you. Do you understand?</p> <p>24 THE DEFENDANT: Yes, sir.</p> <p>25 THE COURT: All right. Mr. Jones, you have the right</p>

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<p>1 to plead not guilty to the charge against you and to persist in</p> <p>2 that plea. You would then have the right to a trial by jury, at</p> <p>3 which you would be presumed innocent and the government would be</p> <p>4 required to prove your guilt beyond a reasonable doubt. At that</p> <p>5 trial, you would have the right to the assistance of counsel for</p> <p>6 your defense, the right to see and hear all witnesses and have</p> <p>7 them cross-examined in your defense, and you would have the</p> <p>8 right on your own part to decline to testify unless you</p> <p>9 voluntarily elected to do so in your defense. And you would</p> <p>10 have the right to issue subpoenas to compel witnesses to come to</p> <p>11 court to testify in your defense. Mr. Jones, do you understand</p> <p>12 your right to a trial and the other rights that I've just</p> <p>13 mentioned to you?</p> <p>14 THE DEFENDANT: Yes, sir.</p> <p>15 THE COURT: Mr. Jones, at that trial, if you decided to</p> <p>16 not testify or to not put on any evidence, those facts could not</p> <p>17 be used against you. Do you understand that?</p> <p>18 THE DEFENDANT: Yes, sir.</p> <p>19 THE COURT: Mr. Jones, by entering a plea of guilty,</p> <p>20 you are giving up your right to a trial and the other rights I</p> <p>21 have mentioned to you. There will be no trial of any kind. And</p> <p>22 based solely on your plea of guilty, the Court will find you</p> <p>23 guilty and later impose sentence on you. Do you understand</p> <p>24 that?</p> <p>25 THE DEFENDANT: Yes, sir.</p>	<p>1 beyond a reasonable doubt to convict you of that crime?</p> <p>2 THE DEFENDANT: Yes, Your Honor.</p> <p>3 THE COURT: All right. Before I can accept your plea,</p> <p>4 I must be satisfied that there is a sufficient factual basis for</p> <p>5 it.</p> <p>6 Who wishes to ask Mr. Jones some questions to establish</p> <p>7 that factual basis?</p> <p>8 MR. TEAGUE: If I could.</p> <p>9 MR. MOORER: Sure.</p> <p>10 MR. TEAGUE: In the beginning of what we call the</p> <p>11 conspiracy period we've discussed here, Mr. Jones, you came --</p> <p>12 you knew a man who was down from the area in Crenshaw County</p> <p>13 where you had grown up by the name of Lamont Jones; is that</p> <p>14 correct?</p> <p>15 THE DEFENDANT: Yes, sir.</p> <p>16 MR. TEAGUE: He was not a relative of yours, was he?</p> <p>17 THE DEFENDANT: No, sir.</p> <p>18 MR. TEAGUE: Okay. You knew him to be a, so to speak,</p> <p>19 big-time drug dealer?</p> <p>20 THE DEFENDANT: Yes, sir.</p> <p>21 MR. TEAGUE: Who had lots of quantities that he could</p> <p>22 sell?</p> <p>23 THE DEFENDANT: Yes, sir.</p> <p>24 MR. TEAGUE: Okay. You acted in a capacity for him.</p> <p>25 Do you recall what that was?</p>
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<p>1 THE COURT: Mr. Jones, you are entering a guilty plea</p> <p>2 to count one and count three of the indictment. Count one of</p> <p>3 the indictment charges you with a drug conspiracy. At a trial,</p> <p>4 the government would be required to prove beyond a reasonable</p> <p>5 doubt that you and at least one other person in some way or</p> <p>6 manner came to a mutual understanding to try to accomplish a</p> <p>7 common and unlawful plan, as set forth in the indictment, and</p> <p>8 that you, knowing the unlawful purpose of the plan, willfully</p> <p>9 joined in it. Do you understand what the government would be</p> <p>10 required to prove at a trial before you could be convicted of</p> <p>11 that charge?</p> <p>12 THE DEFENDANT: Yes, Your Honor.</p> <p>13 THE COURT: Do you understand?</p> <p>14 THE DEFENDANT: Yes, sir.</p> <p>15 THE COURT: You sure?</p> <p>16 THE DEFENDANT: (Nods head)</p> <p>17 THE COURT: Count three, the second count to which you</p> <p>18 are entering a guilty plea, is a count charging you with being a</p> <p>19 felon in possession of a gun. The government would be required</p> <p>20 to prove at trial that you previously had been convicted by a</p> <p>21 court of a crime punishable by imprisonment for a term exceeding</p> <p>22 one year and that after that conviction, you possessed a firearm</p> <p>23 which had traveled in interstate or foreign commerce and that</p> <p>24 your civil right to possess a firearm had not been restored. Do</p> <p>25 you understand what the government would be required to prove</p>	<p>1 THE DEFENDANT: Like one of the guys was telling me,</p> <p>2 like he had got some drugs from him and didn't pay him. I know</p> <p>3 the other guy, too, because I used to work for him.</p> <p>4 MR. TEAGUE: Okay. Now, that wasn't my question. Do</p> <p>5 you know what a broker is? Would you go around looking for</p> <p>6 people to bring to Lamont Jones to buy drugs?</p> <p>7 THE DEFENDANT: Uh-huh. Yes, sir.</p> <p>8 MR. TEAGUE: Okay. And was Darius Strickland --</p> <p>9 THE DEFENDANT: One of them. Yes.</p> <p>10 MR. TEAGUE: -- one of those?</p> <p>11 THE DEFENDANT: Yes, sir.</p> <p>12 MR. TEAGUE: Okay. Now, I believe we went over</p> <p>13 yesterday -- you have previously testified on behalf of the</p> <p>14 government --</p> <p>15 THE DEFENDANT: Uh-huh.</p> <p>16 MR. TEAGUE: -- and acknowledged under oath that you</p> <p>17 set up two deals between Darius Strickland, who was the</p> <p>18 purchaser --</p> <p>19 THE DEFENDANT: Yes, sir.</p> <p>20 MR. TEAGUE: -- with Lamont Jones.</p> <p>21 THE DEFENDANT: Yes, sir.</p> <p>22 MR. TEAGUE: And how much was purchased each of those</p> <p>23 two times?</p> <p>24 THE DEFENDANT: I think about an ounce, four or</p> <p>25 something --</p>

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<p>1 MR. TEAGUE: Do you recall testifying that it was two</p> <p>2 ounces?</p> <p>3 THE DEFENDANT: Might have been. Yes, sir.</p> <p>4 MR. TEAGUE: All right. I'm going to bring your</p> <p>5 attention here now to your testimony at page 7. This would have</p> <p>6 been in the trial of Brian May and others who were your</p> <p>7 codefendants. You testified that the first one was for two</p> <p>8 ounces. And then a few lines down Mr. Moorner asked you some --</p> <p>9 Mr. Franklin asked you some questions; and you said there had</p> <p>10 been part of that fronted and he didn't pay, so the second time</p> <p>11 you had to set it up -- I think that's what you began to tell</p> <p>12 the Judge, was it not?</p> <p>13 THE DEFENDANT: Yes, sir.</p> <p>14 MR. TEAGUE: That Darius didn't pay Lamont all the</p> <p>15 money. Part of it was fronted, and he didn't pay that. So --</p> <p>16 but he still needed the cocaine. So he gave you the money. You</p> <p>17 went down without telling Lamont that Darius was the</p> <p>18 purchaser --</p> <p>19 THE DEFENDANT: Uh-huh.</p> <p>20 MR. TEAGUE: -- and he sold to you, whereas he would</p> <p>21 not have sold it to him.</p> <p>22 THE DEFENDANT: That's right.</p> <p>23 MR. TEAGUE: That made a total of four ounces, didn't</p> <p>24 it?</p> <p>25 THE DEFENDANT: Yes, sir.</p>	<p>1 correct?</p> <p>2 THE DEFENDANT: Yes, sir.</p> <p>3 MR. TEAGUE: And they could see a blunt that you had in</p> <p>4 the --</p> <p>5 THE DEFENDANT: Ashtray.</p> <p>6 MR. TEAGUE: -- ashtray. They had you get out. And</p> <p>7 they looked inside, and they saw a pistol in there. You're an</p> <p>8 ex-felon. You knew you were not supposed to have a pistol; is</p> <p>9 that correct?</p> <p>10 THE DEFENDANT: Yes, sir.</p> <p>11 MR. TEAGUE: Okay. And you don't -- are you -- that</p> <p>12 pistol had been manufactured in another state and brought into</p> <p>13 this state, is that correct, not by you, but by somebody?</p> <p>14 THE DEFENDANT: Yes, sir.</p> <p>15 MR. TEAGUE: Okay. I believe that's sufficient, Your</p> <p>16 Honor.</p> <p>17 MR. MOORER: And you had been previously convicted of a</p> <p>18 felony offense under state law; that is, an offense for which</p> <p>19 you could have been imprisoned for more than a year?</p> <p>20 THE DEFENDANT: Yes, sir.</p> <p>21 MR. TEAGUE: You had been convicted in Montgomery</p> <p>22 County here for possession of cocaine; is that correct? You had</p> <p>23 pled guilty?</p> <p>24 THE DEFENDANT: Yes, sir.</p> <p>25 MR. TEAGUE: Okay.</p>
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<p>1 MR. TEAGUE: Okay. And that happened here -- either</p> <p>2 here or in Crenshaw County within the Middle District of</p> <p>3 Alabama?</p> <p>4 THE DEFENDANT: It was in Montgomery.</p> <p>5 MR. TEAGUE: You had all the deals set up here?</p> <p>6 THE DEFENDANT: Yeah.</p> <p>7 THE COURT: Now, these guys like Darius, they weren't</p> <p>8 buying it for their use. They were buying it to sell to other</p> <p>9 people?</p> <p>10 THE DEFENDANT: Yes, sir.</p> <p>11 THE COURT: And you knew that's what they were doing?</p> <p>12 THE DEFENDANT: Yes, sir.</p> <p>13 THE COURT: Go ahead.</p> <p>14 MR. TEAGUE: And --</p> <p>15 MR. MOORER: We're talking about cocaine base, are we</p> <p>16 not?</p> <p>17 MR. TEAGUE: Yeah. Crack.</p> <p>18 THE DEFENDANT: It already was --</p> <p>19 MR. TEAGUE: Cooked up?</p> <p>20 THE DEFENDANT: -- cooked up.</p> <p>21 MR. TEAGUE: Yeah. Now, moving to January -- the</p> <p>22 indictment alleges January of this year, but I don't think it</p> <p>23 matters, Judge. He says in February the facts that he is</p> <p>24 pleading guilty to in count three.</p> <p>25 I believe you were stopped by a Trooper Keenan; is that</p>	<p>1 THE COURT: All right. One thing I want you to clear</p> <p>2 up is the dates of the conspiracy, his actions regarding the</p> <p>3 conspiracy.</p> <p>4 MR. TEAGUE: All right.</p> <p>5 THE COURT: The indictment charges January of '89 to</p> <p>6 May 17 of '99. That's slightly less than one and a half years.</p> <p>7 MR. TEAGUE: You had a -- you had a relationship with</p> <p>8 Lamont Jones wherein you acted as a broker. You understand the</p> <p>9 term "broker"?</p> <p>10 THE DEFENDANT: Uh-huh.</p> <p>11 MR. TEAGUE: You acted for a broker -- as a broker for</p> <p>12 him for at least the period about early 1990 through the end of</p> <p>13 the nineties; is that correct?</p> <p>14 THE DEFENDANT: From '96 to --</p> <p>15 MR. TEAGUE: '99.</p> <p>16 THE DEFENDANT: Nine, because I was working with the</p> <p>17 federals on '98. They came asking me.</p> <p>18 MR. TEAGUE: Well, it was after that that you became an</p> <p>19 informant and ended up testifying in the case against --</p> <p>20 THE DEFENDANT: Yes. Lamont.</p> <p>21 MR. TEAGUE: -- Brian May and others.</p> <p>22 THE DEFENDANT: Yes, sir.</p> <p>23 MR. MOORER: And it was May 17th of '99 when the</p> <p>24 officers approached you about cooperating? May 17th, 1999, the</p> <p>25 day you were driving your car and they stopped you?</p>

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<p>1 MR. TEAGUE: That sounds about right.</p> <p>2 THE DEFENDANT: I don't know if it was '9 or '8,</p> <p>3 because my baby is four years old -- well, five years old, and</p> <p>4 she hadn't even been born then. It's been a lot of years.</p> <p>5 MR. MOORER: Okay.</p> <p>6 MR. TEAGUE: Well, let me ask you this. If the</p> <p>7 officers -- it was Detective Les Moore who approached you,</p> <p>8 right?</p> <p>9 THE DEFENDANT: Yes, sir.</p> <p>10 MR. TEAGUE: And you immediately said, I've been</p> <p>11 waiting for you to come.</p> <p>12 THE DEFENDANT: Yes, sir.</p> <p>13 MR. TEAGUE: Because Darius told you he had set you up.</p> <p>14 THE DEFENDANT: (Nods head)</p> <p>15 MR. TEAGUE: Okay. So you knew they were coming.</p> <p>16 THE DEFENDANT: Uh-huh.</p> <p>17 MR. TEAGUE: And you believe Les Moore to be a truthful</p> <p>18 man, don't you?</p> <p>19 THE DEFENDANT: Yes, I do.</p> <p>20 MR. TEAGUE: If he says in the discovery material here</p> <p>21 in his memos that it all happened the year the Mr. Moorner was</p> <p>22 suggesting --</p> <p>23 MR. MOORER: May 17th, 1999.</p> <p>24 MR. TEAGUE: -- you wouldn't argue with that, would</p> <p>25 you?</p>	<p>1 how do you plead?</p> <p>2 THE DEFENDANT: Guilty.</p> <p>3 THE COURT: To count three of the indictment, how do</p> <p>4 you plead?</p> <p>5 THE DEFENDANT: Guilty.</p> <p>6 THE COURT: Mr. Jones, the Court finds that you are</p> <p>7 fully competent and capable of entering an informed plea and</p> <p>8 that you are aware of the nature of the charges against you and</p> <p>9 the consequences of your plea. I find that your plea of guilty</p> <p>10 is a knowing and voluntary plea supported by an independent</p> <p>11 basis in fact containing each of the essential elements of the</p> <p>12 offenses. I will therefore recommend that your plea be accepted</p> <p>13 and that you be adjudicated guilty of count one and count three</p> <p>14 of the indictment.</p> <p>15 Mr. Jones, a date will be set for sentencing at a later</p> <p>16 time, and you will be notified of that date. Pending</p> <p>17 sentencing, you will remain in custody.</p> <p>18 THE DEFENDANT: All right.</p> <p>19 THE COURT: Anything further, gentlemen?</p> <p>20 MR. TEAGUE: No, Your Honor.</p> <p>21 MR. MOORER: Nothing.</p> <p>22 THE COURT: Thank you. We'll be in recess.</p> <p>23 (Proceedings concluded at 11:25 a.m.)</p> <p>24 *****</p> <p>25</p>
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<p>1 THE DEFENDANT: No, I wouldn't argue.</p> <p>2 MR. TEAGUE: Okay.</p> <p>3 THE COURT: But I think it's clear it happened during</p> <p>4 the period of time set forth in the indictment.</p> <p>5 MR. TEAGUE: Yes.</p> <p>6 THE COURT: Does the government agree that's a</p> <p>7 sufficient factual basis?</p> <p>8 MR. MOORER: Yes, Your Honor.</p> <p>9 THE COURT: All right. Mr. Jones, you have agreed in</p> <p>10 this plea agreement that a sentence of 135 months will be</p> <p>11 imposed on you. You have the right, Mr. Jones, to have a jury</p> <p>12 decide every fact which is relevant to the length of sentence to</p> <p>13 be imposed on you. And by agreeing to this sentence, you are</p> <p>14 giving up that right also. Do you understand that?</p> <p>15 THE DEFENDANT: Yes, Your Honor.</p> <p>16 THE COURT: And you are agreeing that without a jury</p> <p>17 verdict the Court may impose, if it agrees with this plea</p> <p>18 agreement, to impose on you a sentence of 135 months?</p> <p>19 THE DEFENDANT: Yes, sir.</p> <p>20 THE COURT: All right. Mr. Jones, I have told you the</p> <p>21 rights you have and the rights which you give up by entering a</p> <p>22 guilty plea. Do you still desire to plead guilty to count one</p> <p>23 and count three of the indictment?</p> <p>24 THE DEFENDANT: Yes, sir.</p> <p>25 THE COURT: Mr. Jones, to count one of the indictment,</p>	<p>1 COURT REPORTER'S CERTIFICATE</p> <p>2 I certify that the foregoing is a correct transcript</p> <p>3 from the record of proceedings in the above-entitled matter.</p> <p>4 This 18th day of April, 2006.</p> <p>5 </p> <p>6 RISA L. ENTREKIN, RDR, CRR</p> <p>7 Official Court Reporter</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>